

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
Chi-Hong Chu

Case Number: 20-03692

vs.

Respondent  
National Planning Corporation

Hearing Site: Jersey City, New Jersey

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Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Chi-Hong Chu: Docthor Kennedy, MBA, J.D. and Chelsea Masters, Esq., Advisor Law, LLC, Westminster, Colorado.

For Respondent National Planning Corporation: Eric A. Michaels, Esq. and Piotr Krypciak, Esq., Saretsky Hart Michaels & Gould, P.C., Birmingham, Michigan.

**CASE INFORMATION**

Statement of Claim filed on or about: October 30, 2020.  
Chi-Hong Chu signed the Submission Agreement: October 30, 2020.

Statement of Answer filed by Respondent on or about: January 15, 2021.  
National Planning Corporation signed the Submission Agreement: January 15, 2021.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: expungement of Form U5/termination based on the defamatory nature of the entry.

In the Statement of Answer, Respondent took no position on the requested relief.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested an award granting expungement of the Form U5 corresponding with Occurrence Number 1897785, and those relevant portions of the Form U4,

from Claimant's CRD record on the basis that the statement is defamatory in nature, misleading, inaccurate, and/or erroneous, to include: amendment of the Reason for Termination entry in Section 3 of Claimant's Form U5 to read "Voluntary"; expungement of the Reason for Termination Explanation on Claimant's CRD; amendment of the answers to questions 7F(1) and 7F(2) of Claimant's Form U5, from "Yes" responses to "No"; and deletion of the Termination Disclosure Reporting Pages accompanying Occurrence Number 1897785; an award of damages in the amount of \$1.00 from Respondent; and any other relief as the Panel deems just and equitable.

In the Statement of Answer, Respondent requested that Claimant be denied any monetary relief and that Claimant bear all fees and costs associated with this proceeding.

At the hearing, Claimant withdrew the request for \$1.00 in damages.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The Arbitrator recommends the expungement of the Reason for Termination and Termination Explanation in Section 3 of Chi-Hong Chu's (CRD Number 4615119) Form U5 filed by National Planning Corporation (CRD Number 29604) on August 15, 2016 and maintained by the Central Registration Depository ("CRD"). The Reason for Termination shall be changed to "Voluntary" and the Termination Explanation should appear blank. This directive shall apply to all references to the Reason for Termination and Termination Explanation.

The Arbitrator further recommends the expungement of all references to Occurrence Number 1897785 maintained by the CRD for Chi-Hong Chu. Any "Yes" answers should be changed to "No," as applicable.

The Arbitrator recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Chi-Hong Chu must forward a copy of this Award to FINRA's Credentialing, Registration, Education and Disclosure Department for review.

2. Any and all claims for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

**Filing Fees**

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee = \$ 50.00

*\*The filing fee is made up of a non-refundable and a refundable portion.*

**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent National Planning Corporation is assessed the following:

Member Surcharge = \$ 150.00

**Hearing Session Fees and Assessments**

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator, including a pre-hearing conference with the Arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session = \$ 50.00  
Pre-Hearing Conference: March 15, 2021 1 session

One (1) hearing session @ \$50.00/session = \$ 50.00  
Hearing: July 23, 2021 1 session

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Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed \$100.00 of the hearing session fees to Claimant.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

**ARBITRATOR**

Robert E. Anderson

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

**Arbitrator's Signature**

***Robert E. Anderson***

Robert E. Anderson  
Sole Public Arbitrator

**07/30/2021**

Signature Date

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August 02, 2021

Date of Service (For FINRA Dispute Resolution Services use only)